

JOSHUA A. SLIKER, ESQ.  
Nevada Bar No. 12493  
HOLLY E. WALKER, ESQ.  
Nevada Bar No. 14295  
**JACKSON LEWIS P.C.**  
300 S. Fourth Street, Ste. 900  
Las Vegas, Nevada 89101  
Telephone: (702) 921-2460  
E-Mail: [joshua.sliker@jacksonlewis.com](mailto:joshua.sliker@jacksonlewis.com)  
E-Mail: [holly.walker@jacksonlewis.com](mailto:holly.walker@jacksonlewis.com)

DALE M. CENDALI, ESQ.  
*Admitted Pro Hac Vice*  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
E-Mail: [dale.cendali@kirkland.com](mailto:dale.cendali@kirkland.com)

ALLISON W. BUCHNER, ESQ.  
*Admitted Pro Hac Vice*  
**KIRKLAND & ELLIS LLP**  
2049 Century Park East, Ste. 3700  
Los Angeles, California 90067  
Telephone: (310) 552-4200  
E-Mail: [allison.buchner@kirkland.com](mailto:allison.buchner@kirkland.com)

DREW MORRILL, ESQ.  
*Admitted Pro Hac Vice*  
**KIRKLAND & ELLIS LLP**  
555 S. Flower Street, Ste. 3700  
Los Angeles, California 90071  
Telephone: (213) 680-8278  
E-Mail: [drew.morrill@kirkland.com](mailto:drew.morrill@kirkland.com)

*Attorneys for Plaintiff Byrna Technologies, Inc.*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

BYRNA TECHNOLOGIES, INC., a Delaware corporation,

Plaintiff,

vs.

DUKE DEFENSE USA, INC., a Delaware corporation; BOUGIEFIT, LLC, a Nevada limited liability company; ZYN APPAREL, a Delaware limited liability company; REILLY SCHUELER, an individual; BENJAMIN M. FLAM; an individual; JONATHAN COBB SANDERS, an individual; RANDALL CLIFTON, an individual; DENI STRAHL, an individual; BRAD THOMAS, an individual; APRIL WOODWARD, an individual; and TYLER AKIN, an individual,

Defendants.

Case No.: 2:21-cv-01559-APG-NJK

**STIPULATION AND ORDER EXTENDING THE:**

- (1) TEMPORARY RESTRAINING ORDER AS TO DEFENDANT FLAM; AND**
- (2) TIME FOR DEFENDANT FLAM TO RESPOND TO ECF NO. 14**

**(SECOND REQUEST)**

ECF Nos. 10, 15

1 Plaintiff Byrna Technologies, Inc. (“Byrna” or “Plaintiff”), by and through its undersigned  
2 counsel, and Defendant Benjamin M. Flam, *pro se*, hereby stipulate and agree as follows:

3 1. Plaintiff filed a Complaint and Request for Injunctive Relief (ECF No. 1) and a Motion  
4 for Temporary Restraining Order (ECF No. 6) on August 23, 2021.

5 2. Defendant Flam was personally served with the Summons, Complaint, Motion for  
6 Temporary Restraining Order, and Temporary Restraining Order on August 24, 2021. Plaintiff filed its  
7 Motion for Preliminary Injunction on August 24, 2021. ECF No. 14.

8 3. On August 30, 2021, Plaintiff and Defendant Flam stipulated to extend the time for  
9 Defendant Flam to file his responses to Plaintiff’s Complaint, and Plaintiff’s Motion for Preliminary  
10 Injunction to October 13, 2021. ECF No. 21.

11 4. Defendant Flam filed a Motion to Dismiss in response to Plaintiff’s Complaint on  
12 September 28, 2021. ECF No. 29.

13 5. Plaintiff and Defendant Flam are currently engaged in discussions which may resolve  
14 Plaintiff’s claims against Defendant Flam, and require additional time to determine whether they will  
15 be able to reach agreement.

16 6. Therefore, to conserve the parties’ respective resources, Plaintiff and Defendant Flam  
17 agree that Defendant Flam shall have an extension of time until October 20, 2021 to respond to  
18 Plaintiff’s Motion for Preliminary Injunction. Plaintiff and Defendant Flam further agree that Plaintiff  
19 shall have until October 27, 2021 to file its Reply in support of its Motion for Preliminary Injunction.

20 7. Plaintiff and Defendant Flam further agree that the Temporary Restraining Order,  
21 including any amendment or supplement thereof by the Court, shall be binding upon and remain in full  
22 force and effect as to Defendant Flam, pursuant to Fed. R. Civ. P. 65(b)(2), until such time as the Court  
23 rules on Plaintiff’s Motion for Preliminary Injunction as it pertains to Defendant Flam.

24 ///

25 ///

26 ///

27 ///

28 ///

8. Neither this Stipulation nor the extensions provided herein shall effect the Court's ability to rule upon or grant the relief requested in Plaintiff's Motion for Preliminary Injunction as it pertains to other parties. Further, nothing in this Stipulation shall be construed as effecting the validity or effectiveness of the Preliminary Injunction as to other parties.

DATED this 12<sup>th</sup> day of October, 2021.

JACKSON LEWIS, P.C.

BENJAMIN M. FLAM

/s/ Joshua A. Sliker

/s/ Benjamin M. Flam

JOSHUA A. SLIKER, ESQ.

94 Stockade Path

Nevada Bar No. 12493

Duxbury, MA 02332

300 S. Fourth Street, Ste. 900

Las Vegas, Nevada 89101


*Defendant Pro Se*

*Attorneys for Plaintiff*

*Byrna Technologies, Inc.*

### ORDER

Based on the stipulation between Plaintiff Byrna Technologies, Inc. and Defendant Benjamin M. Flam [ECF No. 40], which I construe as a joint motion under Local Rule 7-1(c) because it was signed by fewer than all the parties or their attorneys, and with good cause appearing, **IT IS SO ORDERED.**

  
By U.S. District Judge Jennifer A. Dorsey for Andrew P. Gordon  
Dated: October 14, 2021, nunc pro tunc to October 13, 2021